



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office

263 13th Avenue South

St. Petersburg, Florida 33701-5505

<http://sero.nmfs.noaa.gov>

VIA UNITED PARCEL SERVICE

F/SER14:BJS

SER:15-025

FOIA # DOC-NOAA-2015-000479

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 4
AFC Bldg, 61 Forsyth Street, S.W., 9th Floor (4PM/IF)
Atlanta, GA 30303-8960

DEC 17 2015

RE: FOIA Request #DOC-NOAA-2015-000479

Dear FOIA Officer:

The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), received a Freedom of Information Act request entered into FOIAOnline on January 6, 2015, from Jonathan Rinde, Esq., Manko, Gold, Katcher, Fox, LLP, in which he requested access to copies of the following:

- Any and all information that relates to the proposed St. John Marina proposed by the Summers End Group, LLC for Coral Bay Harbor, in St. John, U.S. Virgin Islands.

Request Modification/Clarification

On May 27, 2015, Mr. Rinde modified and clarified the scope of the request as follows:

- I can confirm that NOAA can exclude the CZM documents, such as the EAR, from its response since my client already has copies of these documents.
- I can also confirm that you can exclude duplicate records from the response so long as the duplicates are identical. (For example, drafts of a document that are not identical copies should be provided, and are not excluded by this agreement.)
- Otherwise, I expect that NOAA will provide copies of all documents (reports, emails, notes, etc.) that are responsive to my FOIA request.

A copy of the original request and modified/clarified scope e-mail are enclosed.

During our search for records, we identified two pages of records that originated with the U.S. Environmental Protection Agency. Therefore, according to Department of Commerce regulations 15 C.F.R. § 4.5(b), we are referring Mr. Rinde's request and these records to your office for a review/release determination. We have advised the requester that he will receive a direct response from your office.



Thank you in advance for sending NOAA a copy of your response to the requester. If you have any questions concerning this referral, please contact Beverly J. Smith, NMFS's Southeast Region FOIA Coordinator, at 727-551-5762 or beverly.smith@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Crabtree".

for Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosures (as stated above)

MANKO GOLD KATCHER FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE



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**Partner responsible - Bruce S. Katcher*

December 12, 2014

Freedom of Information Act Officer
National Marine Fisheries Service
Almeric Christian Federal Building, Room 314
3013 Estate Golden Rock, Box 4
Christiansted, St. Croix
U.S. Virgin Islands 00820-4226

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

I request that a copy of the following records be provided to me: any and all information under your office's care, custody or control which relates to the proposed St. John Marina proposed by the Summers End Group, LLC for Coral Bay Harbor, in St. John, U.S. Virgin Islands.

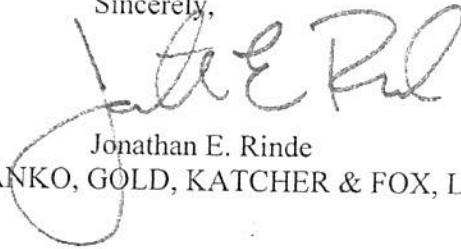
Since the records requested are in the public interest and are not primarily for any commercial interest of my client, I request that the responsive records be furnished without charge. If there will be a charge incurred, I agree to pay the appropriate fees for this request up to a maximum of \$100. If you estimate the fees will exceed this limit, please inform me first.

If you deny all or any part of this request, please cite each specific exemption you think justifies your withholding of information. If this occurs, please also notify me of the appeal procedures available to me.

Freedom of Information Act Officer
December 12, 2014
Page 2

If you have any questions regarding this request, please contact me at the above-listed telephone number.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. E. Rinde". The signature is written in a cursive, flowing style. Below the signature, the name "Jonathan E. Rinde" is printed in a standard serif font.

Jonathan E. Rinde
For MANKO, GOLD, KATCHER & FOX, LLP

JER/pc
cc: Lia Ortiz



Beverly Smith - NOAA Federal <beverly.smith@noaa.gov>

Re: FOIA REQUEST #DOC-NOAA-2015-000479 - MAY 20, 2015, CONFERENCE CALL CONFIRMATION E-MAIL

Beverly Smith - NOAA Federal <beverly.smith@noaa.gov>
To: Jonathan Rinde <JRinde@mankogold.com>
Cc: Beverly Smith - NOAA Federal <beverly.smith@noaa.gov>

Thu, May 28, 2015 at 2:26 PM

Dear Mr. Rinde:

I forwarded the below e-mails to Dr. Carrubba, Ms. Mincey, and Mr. Dale and all are in agreement with the information set-forth in your confirmation e-mail. Therefore, this concludes the scope modification process.

We will move forward with the search and compilation of records, which should be completed shortly.

If you have any questions regarding your request, please do not hesitate to contact me.

Sincerely,
Beverly

On Wed, May 27, 2015 at 5:41 PM, Jonathan Rinde <JRinde@mankogold.com> wrote:

Ms. Smith –

Thank you for the follow-up email.

I can confirm that NOAA can exclude the CZM documents, such as the EAR, from its response since my client already has copies of these documents.

I can also confirm that you can exclude duplicate records from the response so long as the duplicates are identical. (For example, drafts of a document that are not identical copies should be provided, and are not excluded by this agreement.)

Otherwise, I expect that NOAA will provide copies of all documents (reports, emails, notes, etc.) that are responsive to my FOIA request.

Please let me know if you need further clarification. Thanks.

Jonathan E. Rinde, Esquire
MANKO | GOLD | KATCHER | FOX LLP

An environmental, energy, litigation, safety and land use law practice

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From: Beverly Smith - NOAA Federal [mailto:beverly.smith@noaa.gov]

Sent: Wednesday, May 27, 2015 5:05 PM

To: Jonathan Rinde

Cc: Beverly Smith - NOAA Federal

Subject: FOIA REQUEST #DOC-NOAA-2015-000479 - MAY 20, 2015, CONFERENCE CALL CONFIRMATION E-MAIL

Dear Mr. Rinde:

This is in reference to the above-captioned FOIA request #2015-000479. This confirms our telephone conference call on May 20, 2015, that included the following Southeast Region program office staff:

Dr. Lisamarie Carrubba, Natural Resource Specialist, Protected Resources Division (PRD)

Teletha Mincey, Program Analyst, FOIA Point of Contact, PRD

David Dale, Fishery Biologist, Habitat Conservation Division (HCD)

Pursuant to our telephone conversation, we discussed the following modifications to the scope of your request:

1. You will speak with your client to see if she will exclude all Coastal Zone Management documents, such as the Environmental Assessment Report, which may already be in her possession. You will contact me regarding that decision.
2. You agreed that we can exclude duplicate records from the response. In this case, HCD will provide its essential fish habitat records and PRD will provide its consultation records.

Please note that our search for records will re-commence when we have concluded the scope modification process and we agree on the modification.

I look forward to hearing from you.

Sincerely,

Beverly J. Smith
FOIA Coordinator
Southeast Region
NOAA's National Marine Fisheries Service
727-551-5762

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Beverly J. Smith
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